

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4:19CR00081AGF
	)	
KEVIN SCOTT FOSTER,	)	
	)	
Defendant.	)	

**ORDER**

This matter is before the Court on Defendant Kevin Scott Foster's Motion to Sever Counts I and II of the Indictment [Doc. No. 23]<sup>1</sup>. Pursuant to 28 U.S.C. § 636(b), the motions were referred to United States Magistrate Judge Patricia L. Cohen.

An evidentiary hearing was held on May 28, 2019, at which oral argument was heard, but no testimony was presented. On June 24, 2019, Magistrate Judge Cohen issued a Report and Recommendation [Doc. No. 32], recommending that the Motion to Sever Counts I and II of the Indictment be denied. Defendant has filed a Waiver of Right to Review the Report and Recommendation [Doc. No. 32],

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<sup>1</sup> On May 2, 2019 Defendant filed a Motion to Suppress Evidence (Doc. No. 25). On May 7, 2019 Defendant filed a Motion to Withdraw the Motion to Suppress Evidence (Doc. No. 26). That same date, Magistrate Judge Cohen entered an Order Granting the Motion to Withdraw (Doc. No. 27).


and the time to file objections to the Report and Recommendation has passed.

After careful consideration, and in light of Defendant's Waiver of Right to Review the Report and Recommendation, the Court will adopt and sustain the thorough reasoning of the Magistrate Judge set forth in support of her Report and Recommendation issued on June 24, 2019.

Accordingly,

**IT IS HEREBY ORDERED** that the Report and Recommendation of the United States Magistrate Judge [Doc. No. 32] is **SUSTAINED, ADOPTED, and INCORPORATED** herein.

**IT IS FURTHER ORDERED** that this matter remains scheduled for a Jury Trial on **Monday, August 19, 2019 at 9:00 a.m.**

  
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AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE

Dated this 15<sup>th</sup> day of July, 2019.